

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:18-cv-00209-MR-WCM**

UNITED STATES OF AMERICA)	
)	
vs.)	<u>ORDER OF DEFAULT</u>
)	<u>JUDGMENT OF FORFEITURE</u>
APPROXIMATELY \$14,653.66 IN)	
UNITED STATES CURRENCY)	
SEIZED FROM DARIN TREY)	
OLIVER)	

THIS MATTER is before the Court on the Government's Motion for Default Judgment of Forfeiture pursuant to Fed. R. Civ. P. 55(b)(2) [Doc. 13].

By the present motion, the Government requests that the Court enter a Default Judgment of Forfeiture as to all persons and entities with respect to the \$14,653.66 in U.S. Currency (the "Defendant Currency") named in the Complaint.

On July 24, 2018, the Government filed a Verified Complaint (the "Complaint") for Forfeiture *In Rem*, alleging that the property identified in the Complaint, i.e., approximately \$14,653.66 in United States currency seized from Darin Trey Oliver, is subject to civil forfeiture under 21 U.S.C. § 881(a)(6). [Doc. 1]. The day after the Complaint was filed, the Clerk issued a Warrant of Arrest *In Rem* for the Defendant property. [Doc. 2].

The Government thereafter provided direct notice of this action to Michael Marin, Darin Trey Oliver, and Oliver's attorney, Fredilyn Sison,¹ by mailing them a copy of the Complaint. The Government also served a copy of the Notice, the Complaint, and the Warrant for Arrest *In Rem* to Michael Marin and Darin Trey Oliver. Additionally, the Government provided notice by publication as to all persons with potential claims to the Defendant property by publishing notice via www.forfeiture.gov from July 30, 2018, until August 28, 2018. [Doc. 6].

On September 17, 2018, Murphy First Baptist Church ("Murphy") filed a claim to the Defendant property. [Doc. 4]. No other individuals or entities have made a claim to the Defendant property. On October 17, 2018, the Government moved to strike Murphy's claim. [Docs. 7, 8]. On November 7, 2018, this Court provided thirty (30) days for Murphy to file a notice of appearance of counsel and to file an answer or otherwise respond to the Complaint. [Doc. 9]. No such notice, Answer or response was filed by Murphy. Accordingly, on December 12, 2018, this Court issued an Order striking Murphy's claim. [Doc. 10].

¹ At that time, Fredilyn Sison was Darin Trey Oliver's counsel of record in Mr. Oliver's related criminal case, WDNC Case No. 1:18-cr-00040-MR-WCM.

On January 24, 2019, pursuant to Fed. R. Civ. P. 55(a), the Government filed a motion for entry of default [Doc. 11], and the Clerk entered default that same day [Doc. 12].

No other potential claimant has timely filed a proper claim or otherwise answered. After review, the Court finds that the Government has established that the entry of a default judgment is appropriate.

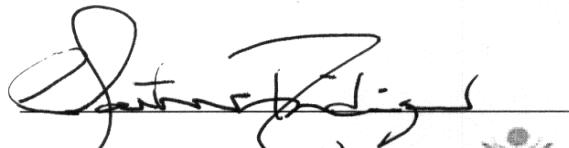
Accordingly, **IT IS, THEREFORE, ORDERED** that The Government's Motion for Default Judgment of Forfeiture [Doc. 13] is hereby **GRANTED**, and judgment is entered in favor of the United States against all persons and entities with respect to the \$14,653.66 in U.S. Currency.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any right, title and interest of all persons and entities to the \$14,653.66 in U.S. Currency is hereby forfeited to the United States, and no other right, title, or interest shall exist therein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States Marshal is hereby directed to dispose of the \$14,653.66 in U.S. Currency as provided by law.

Signed: February 4, 2019

IT IS SO ORDERED.



Martin Reidinger
United States District Judge
